

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 4:03CR3139  
vs. )  
Plaintiff, ) ) **MEMORANDUM  
AND ORDER**  
vs. )  
JEFFREY D. LACHOWSKI, )  
Defendant. )

Upon the filing of the mandate of the United States Court of Appeals for the Eighth Circuit finding that I engaged in plain error when I ordered restitution, and therefore vacating the judgment and remanding for further proceedings consistent with the opinion of the Court of Appeals,

IT IS ORDERED that:

1. Unless one or more of the parties object as provided in paragraph three of this order, and without a further sentencing proceeding, I will issue an amended judgment removing any reference to restitution, but otherwise imposing the same sentence as previously imposed.
2. If one or more of the parties object to the foregoing procedure as provided in paragraph three of this order, I will thereafter resolve the objection and enter such further orders as may be appropriate.
3. If one or more of the parties desire to object to the procedure described in paragraph one, they shall file an objection in the court file within 10 days of today's date setting forth the nature of their objection in detail. They should also file a brief in support of their objection.

DATED this 25<sup>th</sup> day of May, 2005.

BY THE COURT:  
s/ Richard G. Kopf  
United States District Judge